

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|-----------------------------------|---|---------------------|
| MAE DENNIS NELSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:15-CV-982 CAS |
| |) | |
| DEAN SHORT and SHORT ENTERPRISES, |) | |
| d/b/a/ MCDONALDS, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis. The motion will be provisionally granted. Additionally, the Court will transfer this case to the United States District Court for the Southern District of Illinois.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e, *et seq.*, and the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, *et seq.*, for alleged unlawful employment practices. Defendant McDonald’s is located in Anna, Illinois, and the facts giving rise to the complaint took place there. Moreover, plaintiff lives in Du Quoin, Illinois. There appears to be no connection between this case and Missouri.

Under Title VII’s venue provision, an action for unlawful employment practices, may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. See 42 U.S.C. § 2005e-

5(f)(3); see also Lewis v. Commonwealth of Pennsylvania, 2007 WL 1247076, *1 (April 5, 2007) (finding § 2000e-5(f)(3) includes ADA and Rehabilitation claims).

In this case, venue is proper in the Southern District of Illinois. Under 28 U.S.C. § 1406(a), the “district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”

The Court finds that it is in the interest of justice to transfer this case to the Southern District of Illinois rather than to dismiss it at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is provisionally granted, subject to modification by the United States District Court for the Southern District of Illinois.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Southern District of Illinois. See 28 U.S.C. § 1406(b).

A handwritten signature in black ink, appearing to read "Charles A. Shaw", with a long horizontal flourish extending to the right.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 9th day of July, 2015.